

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANET LEONARD; TOM LEONARD,	)
parents of Melissa Leonard; MELISSA	)
LEONARD, individually,	)
Plaintiffs	)
	)
vs.	) Civil Action No. 08-1451
	) Chief Judge Donetta W. Ambrose/
	) Chief Magistrate Judge Amy Reynolds Hay
STATE FARM MUTUAL AUTOMOBILE	)
INSURANCE COMPANY,	)
Defendant	)

ORDER

AND NOW, this 23rd day of September, 2009, after the Plaintiffs, Janet, Tom and Melissa Leonard filed a Complaint [Doc. 1] and an Amended Complaint [Doc.5] against State Farm Mutual Automobile Insurance in the above-captioned case, and after a Motion to Dismiss or to Strike the Amended Complaint [Doc. 6] was filed by the Defendant, and after a Report and Recommendation [Doc. 15] was filed by the United States Magistrate Judge granting the parties until September 17, 2009 to file written Objections thereto, timely Objections were filed by the Plaintiffs. Upon independent review of the record, the Objections, and the Magistrate Judge's Report and Recommendation, the Report and Recommendation, as supplemented, is adopted as the Opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the Defendant [Doc. 6 ] is GRANTED as to Counts One, Three, and Four, and is DENIED as to Counts Two and Five.

IT IS FURTHER ORDERED THAT proceedings as to Counts Two and Five are stayed pending resolution of the proceedings numbered 13285 of 2008 and 14918 of 2008, now pending

in the Court of Common Pleas of Westmoreland County, Pennsylvania.

It appears that there is no further action required by the court at this time. It is, thus, FURTHER ORDERED that the Clerk mark the above-captioned case closed; that nothing contained in this order shall be considered a dismissal or disposition of this action, and that should further proceedings therein become necessary or desirable once the state litigation is concluded, either party may initiate the same in the identical manner as if this order had not been entered.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, should any party desire to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided in Fed. R. App. P. 3.

s/Donetta W. Ambrose

Donetta W. Ambrose  
Chief United States District Judge

cc: Hon. Amy Reynolds Hay  
Chief United States Magistrate Judge

Counsel of Record Via CM-ECF